presented.

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY 9428 Oak White Road 11th Election District \* Case No. 93-400-A 5th Councilmanic District

Mark B. Dickel, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as an administrative variance filed by Mark B. and Joyce L. Dickel, for that property known as 9428 Oak White Road in the Village of Oak White Subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1801.2.C.3 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 6 ft. (+/-) and a side yard setback of 13 ft. (+/-)(on a corner lot for an attached garage) in lieu of the minimum required 25 ft. each; and to amend the 4th amended Final Development Plan of Village of White Oak to allow a projection of same outside of the building envelope. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the

requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of June, 1993 that the Petition for a Zoning Variance from Sections 1B01.2.C.3 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 6 ft. (+/-) and a side yard setback of 13 ft. (+/-) (on a corner lot for an attached garage) in lieu of the minimum required 25 ft. each, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that permission to amend the 4th amended Final Development Plan of Village of White Oak to allow a projection of same outside of the building envelope, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The attached

garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Zoning Commissioner

for Baltimore County

LES/mmn

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 17, 1993

Mr. and Mrs. Mark B. Dickel 9428 Oak White Road Baltimore, Maryland 21236

> RE: Petition for Administrative Zoning Variance Case No. 93-400-A 9428 Oak White Road

Dear Mr. and Mrs. Dickel:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Lawrence E. Schmid Zoning Commissioner

LES:mmn encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 9428 Oak White Road which is presently zoned D.R.-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached The undersigned, legal owner(s) of the property structure. Section(s) hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.3, 504 (V.B.9 CMDP) To allow a front yard setback of 6' and a side yard setback of 13' (on a corner lot for an attached garage) in lieu of the minimum required 25' each. To smend the 4th smended Final Development Plan of Village of the Zoning Requisitions of Sattinion County to the 25ming Case of Sattinion County to the following Gastinion County to the C

It is requested that the Zoning Commissioner and the County Board of Appeals grant a variance and amend final development plans allowing the construction of a 24' wide x 24'7" deep x 12' high (at its peak) garage to be attached to the existing house within the 25' building restriction line along the side of the house, which line (See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			(We do solemnly declare and affirm, under legal owner(s) of the property which is the su	the penalties of p bject of this Petiti	penury, that I/we are the ion.
Contract Purchaser/Lessee			Legai Owner(s):		
CONTRACT Purchassor			Mark B. Dickel		
(Type or Print Name)	······································		(Type or Print Name)  Mark B.	Dik	1
Signature			Signature		
•			Joyce L. Dickel		
Address			(Type or Print Name)	<del></del>	
City Attorney for Petitioner:	State	Zipcode	Storing 7 / Storin	d 529-	-7318
(Type or Print Name)	<u></u>	<del></del>	Address		Phone No.
(Type or Francische)			Baltimore	MD	21236
Signature			City Name, Address and phone number of repre	State contailve to be	Zincode contacted.
			Joyce L. Dickel		
Address	Phone	No.	See Above		
City	State	Zipcode	Adpless		Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered, by the Lorling Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Longing Regulations for Buildingre County, in two newspap

Attachment to Petition 93-400-A

has been established by Section 1802.3 of the Baltimore County Zoning Regulations, 1987 Edition. Strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty in that the configuration of the lot will not allow for a garage to be constructed in another area which would provide safe. secure, and direct access to the house. A doorway and steps would be constructed between the proposed garage and the underground utility room of the house in order for access to be gained from one structure to the other. The 24' wide x 24'7" deep x 12' high size structure would adequately accommodate the doorway and steps, which would be contained within the garage, and the vehicles to be parked in the garage. The aluminum siding, roof shingles, and brick facing on the proposed structure will match that of the existing house; therefore, the overall appearance of the house and garage will not detract from the attractiveness of the neighborhood. The driveway apron of the proposed garage would connect with the existing parking pad; therefore, the existing curb cut-out can be used. The existing house is situated far enough from the roadway that the proposed garage would not present an obstruction to traffic. If the 24' wide garage were to be constructed, there would still be approximately 21' of clearance from the rear corner of the garage and approximately 14' of clearance from the front corner of the garage and the beginning of the paved roadway (Klausmier Road). Vehicles travelling on Klausmier Road toward its intersection with Oak White Road and Stoneoak Road would have a clear view of oncoming vehicles travelling on Oak White Road and Stoneoak Road. A stop sign is situated on Klausmier Road, thereby requiring vehicles on Klausmier Road to stop before entering the intersection. Also, Klausmier Road beyond the intersection is a dead-end roadway; therefore, traffic is minimal beyond that intersection. The property is located in a community that has no homeowners' association that would need to approve the construction of the structure. The applicants believe that the construction of this garage will not cause substantial injury to the public health, safety, and general welfare. It is requested that the Commissioner and Board of Appeals grant the requested variance allowing the construction of the 24' wide x 24'7" deep x 12' high garage to be constructed within the 25' building restriction line established by Section 1B02.3 of the Baltimore County Zoning Regulations, 1987 Edition.

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

9428 Oak White Road Baltimore 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati Variance at the above address: (indicate hardship or practical difficulty)

It is requested that the Zoning Commissioner and the County Board of Appeals grant a variance and amend final development plans allowing the construction of a 24' wide x 24'7" deep x 12' high (at its peak)

garage to be attached to the existing house within the 25' building restriction line along the side of the house, which line has been established by Section 1802.3 of the Baltimore County Zoning

Regulations, 1987 Edition. Strict compliance with the Zoning (See Attached)

Brate or orint name)

Mark B. Dickel and Joyce L. Dickel

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

Attachment to Affidavit

Regulations for Baltimore County would result in practical difficulty in that the configuration of the lot will not allow for a garage to be constructed in another area which would provide safe, secure, and direct access to the house. A doorway and steps would be constructed between the proposed garage and the underground utility room of the house in order for access to be gained from one structure to the other. The 24' wide x 24'7" deep x 12' high size structure would adequately accommodate the doorway and steps, which would be contained within the garage, and the vehicles to be parked in the garage. The aluminum siding, roof shingles, and brick facing on the proposed structure will match that of the existing house: therefore, the overall appearance of the house and garage will not detract from the attractiveness of the neighborhood. The driveway apron of the proposed garage would connect with the existing parking pad; therefore, the existing curb cut-out can be used. The existing house is situated far enough from the roadway that the proposed garage would not present an obstruction to traffic. If the 24' wide garage were to be constructed, there would still be approximately 21' of clearance from the rear corner of the garage and approximately 14' of clearance from the front corner of the garage and the beginning of the paved roadway (Klausmier Road). Vehicles travelling on Klausmier Road toward its intersection with Oak White Road and Stoneoak Road would have a clear view of oncoming vehicles travelling on Oak White Road and Stoneoak Road. A stop sign is situated on Klausmier Road, thereby requiring vehicles on Klausmier Road to stop before entering the intersection. Also, Klausmier Road beyond the intersection is a dead-end roadway; therefore, traffic is minimal beyond that intersection. The property is located in a community that has no homeowners' association that would need to approve the construction of the structure. The applicants believe that the construction of this garage will not cause substantial injury to the public health, safety, and general welfare. It is requested that the Commissioner and Board of Appeals grant the requested variance allowing the construction of the 24' wide x 24'7" deep x 12" high garage to be constructed within the 25' building restriction line established by Section 1802.3 of the Baltimore County Zoning Regulations, 1987 Edition.

ZONING DESCRIPTION Election District		(address) Councilmanic District
Beginning at a point on the	west	side of Oak
		30 feet (number of feet of right-of way width)
(street on which property fr	onts)	(number of feet of right-of way width)
wide at a distance of(numbe	20 feet south	of the rth, south, east or west)
centerline of the nearest im		Klausmier Road
which is 40 feet (number of feet of	right-of-way wid	wide. *Being Lot # 1,
Block A Section	n #3	in the subdivision of
Village of Oak White		as recorded in Baltimore County Plat

description. Use this fill-in format provided whenever possible; otherwise, type or

print on 8-1/2" x 11" sheet.

(name of subdivision)

(square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location. .

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

MR & Mrs. Mark B. Dickel 9428 Oak White Rd. Taken in By: # 010 Variance \_\_\_\_\_ 50.00 # 080 Sign + posting \_\_\_\_ 35.00 Total - 85.00 91A01#0139HICHRC BA CO11:17AHO5-14-93 **Cashler Validation** 

FORMS DEPARTMENT OF BALTIMORE COUNTY

Posted for: Verlenics	Date of Posting 4/28/97
Politicaer: Mark & Loyes Dich	
Location of property: 14 / CON While	Le Rd., W/S 70'S/K/ensmin R
Landon of Man (50 in Made)	
Location of Signe Ficing Wood Way	ON POPONTY 1090 ZONUA
Remarks:	
Posted by	Date of return: 4/25/95
Signature	Date of return; 22

Baltimore County Government Office of Zoning Administration and Development Management



June 4, 1993

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Mr.and Mrs. Mark B. Dickel 9428 Oak White Road

Baltimore, MD 21236

RE: Case No. 93-400-A, Item No. 413 Petitioner: Mark B. Dickel, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Dickel:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments Date: June 4, 1993 Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Zoning Coordinator

Enclosures

WCR:hek

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

5-20-93

Re: Baltimore County
Item No.: 44/3 (JJ5)

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, John Contestabile, Chief Engineering Access Permits

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIRORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 9428 Oak White Road

INFORMATION

413 q3-406-A Petitioner:

Mark B. Dickel and Joyce L. Dickel Property Size: Zoning: D.R. 5.5

Requested Action:

SUMMARY OF RECOMMENDATIONS

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

PK/JL:lw

413.2AC/2AC1

JP/dmc

ZADM

We, the undersigned, have no objection to the construction of a 24' wide x 24'7" deep x 12' high garage to be attached to the side of 9428 Oak White Road, which property is owned by Mark B. Dickel and Joyce L. Dickel. The garage would be situated on the Klausmier Road side of the property, and the entrance would face Oak White Road. It is our understanding that the aluminum siding, roof shingles, and brick facing on the garage would match that of the existing house. The driveway apron of the garage would connect with the existing parking pad, therefore, the existing curb cut-out would be used eliminating the need for a second driveway entrance to the property. It is our further understanding that the garage would be situated far enough from the roadway so as not to create a visual obstruction to traffic. We believe that the construction of this garage would in no way detract from the attractive appearance of the neighborhood and it would cause no

substantial injury to public health, safety, and general welfare.

Thentis Shu week (sob)

9415 DAK WHITE RD

9426 ON White Pet.

3701 Klausmies Kol.

9501 Slow Ook

3630 1Chusmin Nel

#2 Wood OAL-CT

Item 415

Item 409

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Zoning Advisory Committee

May 26, 1993 Captain Jerry Pfeifer Fire Department

Comments for 06/01/93 Meeting

Item 371 No Comments No Comments Item 408 No Comments

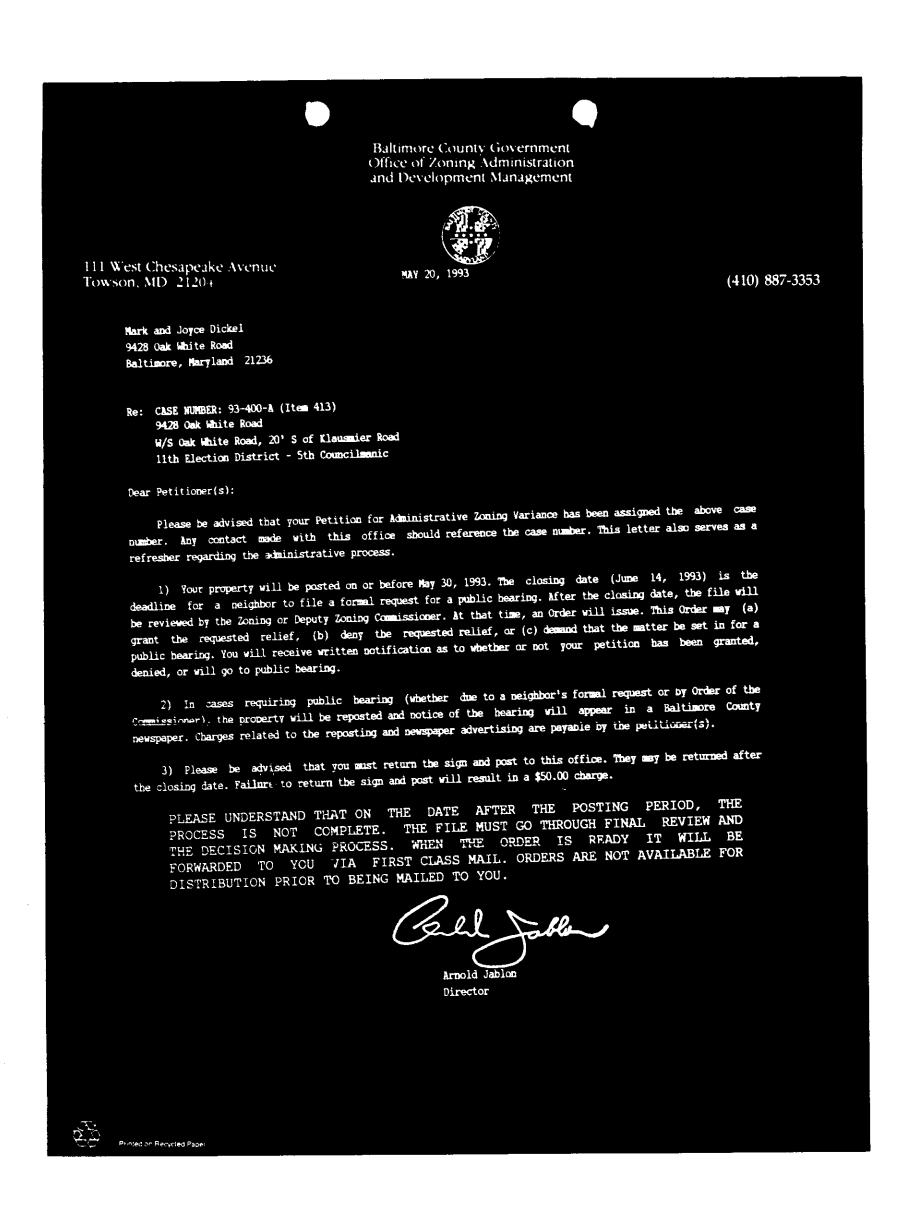
Building shall be built in accordance with Item 410 the 1991 Life Safety Code.

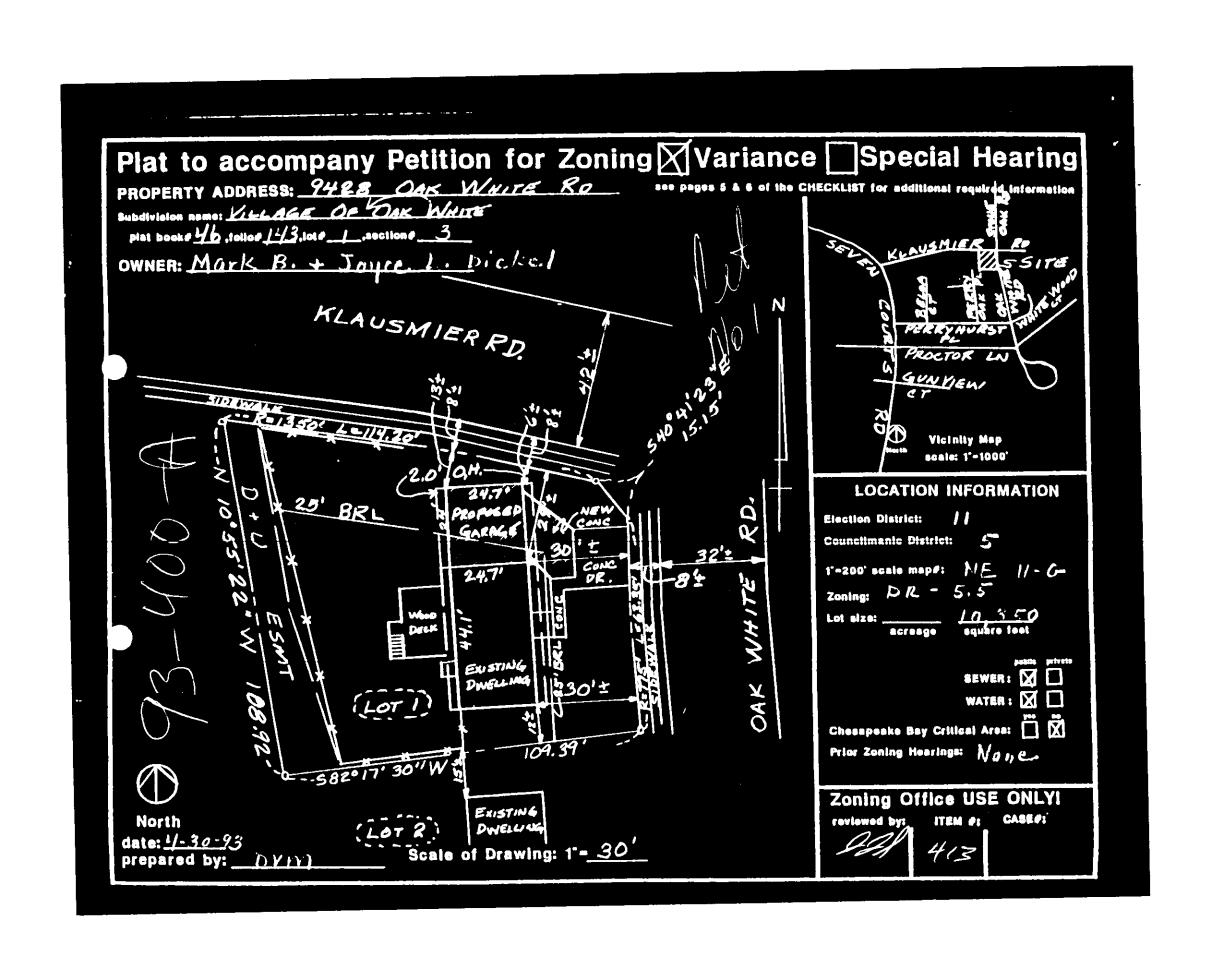
No Comments

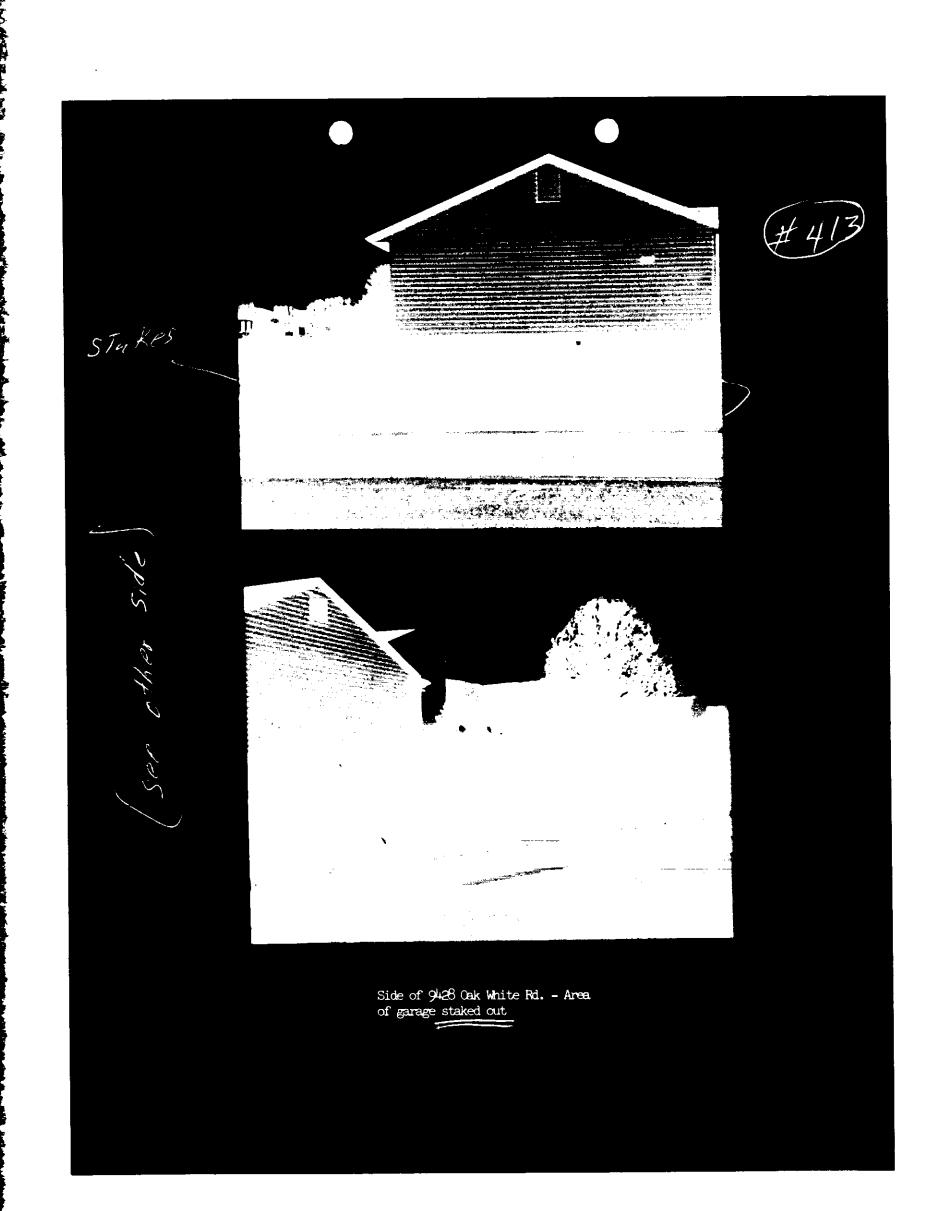
Item 411 No Comments Item 412 Item 413

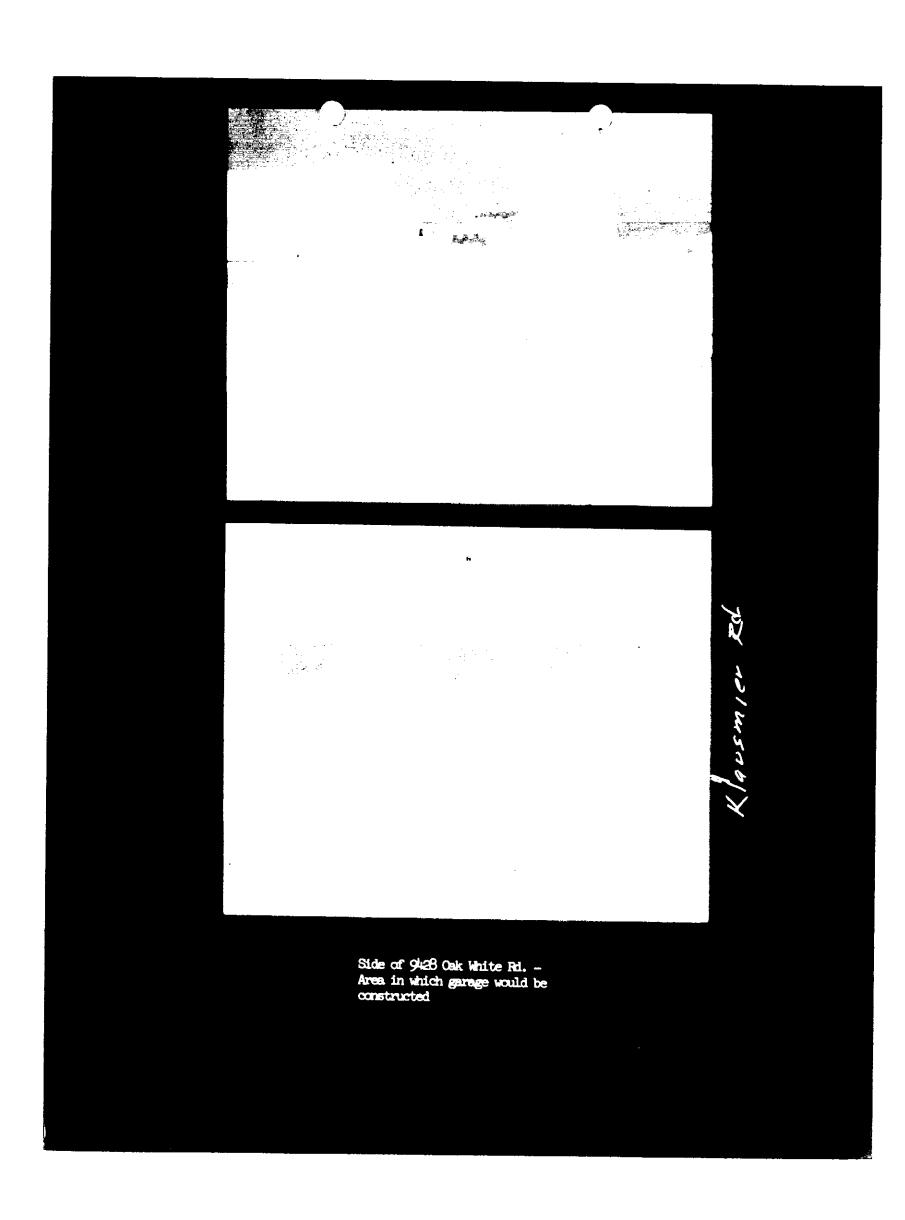
If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

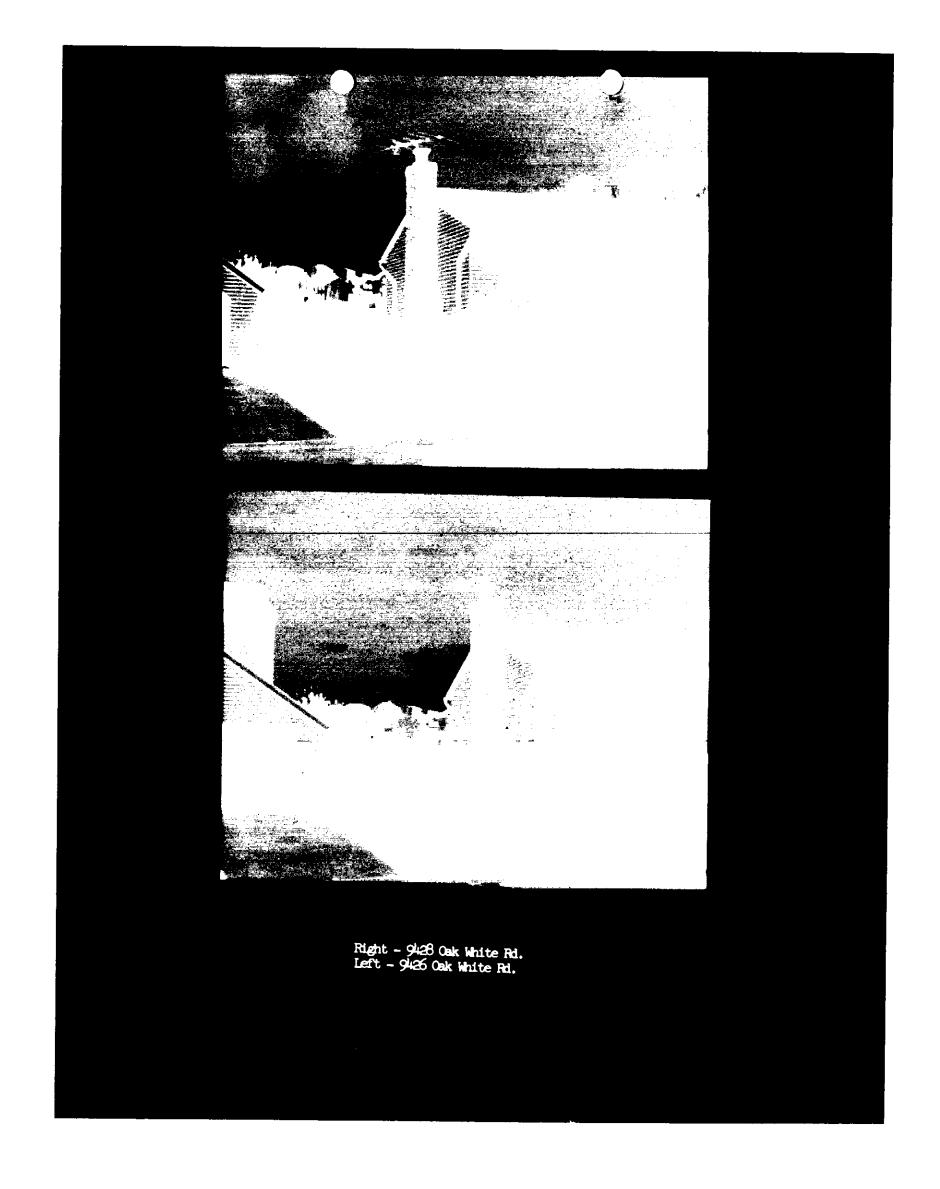
Prr. 1

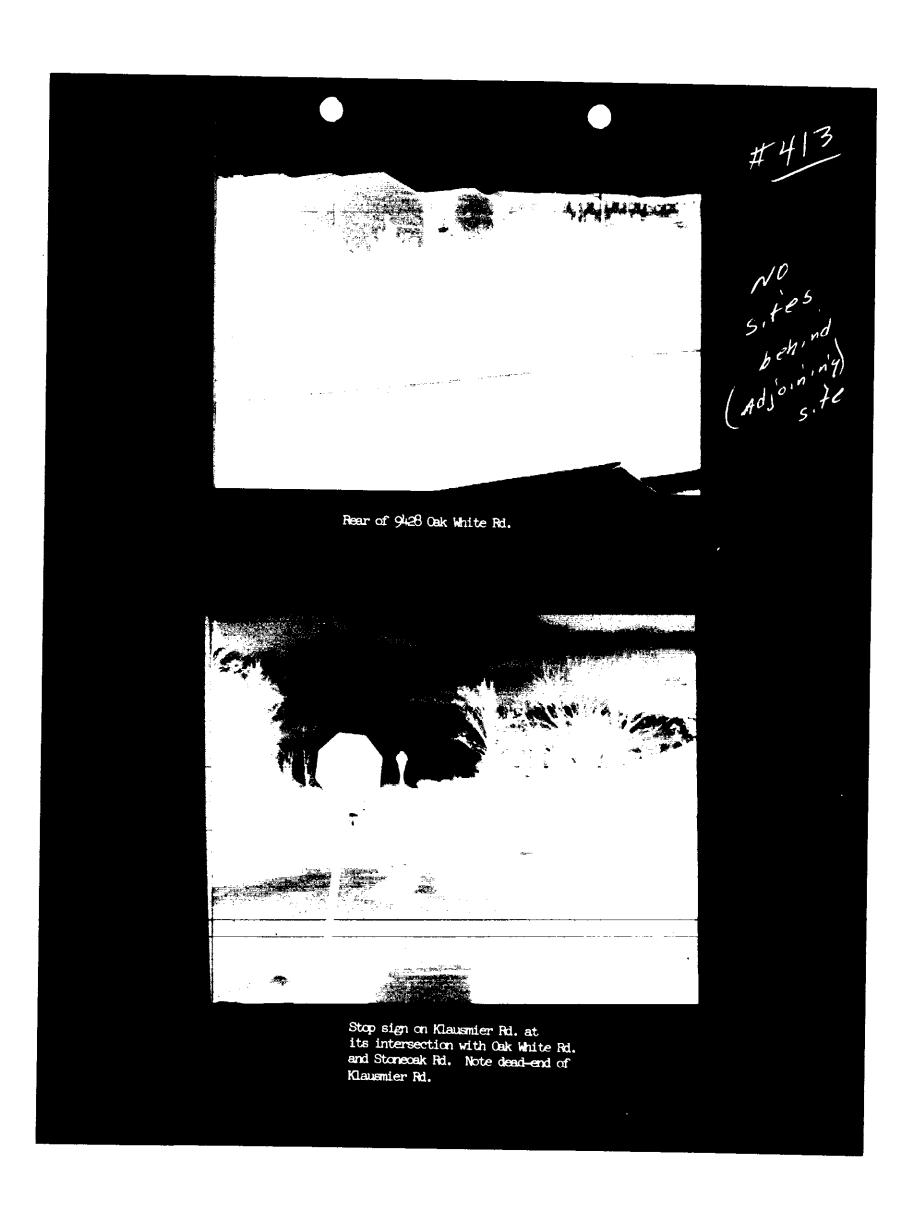












413

PERRY HALL

JANUARY 1986



OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401